

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2014-001626-002 DT

05/20/2016

COMMISSIONER CAROLYN K.
PASSAMONTE

CLERK OF THE COURT
A. Marquez

Deputy

STATE OF ARIZONA

JAMES ROCHE

v.

BILLY BENJAMIN HAYES JR. (002)
DOB: 06/08/1975

JASON CHRISTOPHER ROSELL

APO-SENTENCE IMPRISON-CCC
APPEALS-CCC
AZ DOC
DISPOSITION CLERK-CSC
RFR

SENTENCE OF IMPRISONMENT

9:43 a.m.

Courtroom CCB 1301

State's Attorney:	James Roche
Defendant's Attorney:	Jason Rosell
Defendant:	Present

Court Reporter, Cindy Lineburg, is present.

A record of the proceedings is also made digitally.

This is the time set for Sentencing.

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Dawn Hayes addresses the Court on behalf of the Defendant.

Count(s) 11: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

Count(s) 18: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 11 (As Amended) Possession Of Marijuana For Sale
Class 3 Felony
A.R.S. § 13-3401, 3405, 3418, 301, 302, 303, 304, 610, 701, 702, and 801
Date of Offense: 04/18/2012
Non Dangerous - Non Repetitive

OFFENSE: Count 18 Misconduct Involving Weapons
Class 4 Felony
A.R.S. § 13-3101, 3102(A)(4), 3105, 610, 701, 702, and 801
Date of Offense: 04/18/2012
Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 11: 2 year(s) from 05/20/2016
Presentence Incarceration Credit: 0 day(s)
Sentence is concurrent with COUNT 18.

Count 18: 1.5 year(s) from 05/20/2016
Presentence Incarceration Credit: 0 day(s)
Sentence is concurrent with COUNT 11.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

FINE: Count 1 - Total amount of \$3,660.00, which includes surcharges of 83%.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforensponse@mail.maricopa.gov. The

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Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Count 11 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in CR2013-435124-001.

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

Community Supervision: Count 18 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in CR2013-435124-001.

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

IT IS ORDERED granting the Motion to Dismiss the following: Counts 1, 2, 3, 10, 12, 13, 14, 15, 16, and 17. Allegation of the Defendant's prior felony convictions.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

The presentence investigation report is filed under this cause.

IT IS ORDERED the Defendant shall forfeit all interest in the currency, weapons, ammunition, and any weapon accessories seized in Phoenix Police Department Report No. 2012-00464664 and supplements.

10:10 a.m. Matter concludes.

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IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER CAROLYN K. PASSAMONTE
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)